IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

Bail Appl..No. 1043 of 2007()

CRMP.429/2007 of DISTRICT COURT, THODUPUZHA

.....

(IN CRIME NO.55/2007 OF THODUPUZHA POLICE STATION)

PETITIONERS/ACCUSED:

1. **BIJU, AGED 30 YEARS,**
   S/O.BABY VIRUPPIL HOUSE, VENGALLOOR KARA,
   KUMARAMANGALAM VILLAGE.

2. **REJI JOHN, AGED 34 YEARS,**
   S/O.ULAHANNAN, CHALIPLACKJAL HOUSE,
   VENGALLOOR KARA, KUMARAMANGALAM VILLAGE.

BY ADV. SRI.P.V.SURENDRANATH
SRI.P.V.DIBU

RESPONDENT: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1043 OF 2007 A

Dated this the 21st day of February, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioners, who are accused Nos.1 and 2 in Crime No.55/2007 of Thodupuzha Police Station for an offence punishable under Sec.307 read with section 34 I.P.C., seek anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. The case of the prosecution is that at about 9 p.m. on 24.1.2007 the petitioners armed with a knife attacked the de facto complainant, who is the owner of a toddy shop T.S. No.28, causing injuries. The weapon of offence has not been recovered.

4. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioners should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioners surrender before the Magistrate concerned and file an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which such application is filed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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